IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1775 OF 2004

Dinesh B.More, .. Petitioners

Vs

1. The State of Maharashtra

and ors. .. Respondents

Mr A.A.Kumbhakoni, for the petitioners.

Mr D.A.Patil, for respondent nos 1 to 5.

Mr V.G.Mujumdar, for respondent no.6.

CORAM : D.B.BHOSALE,J.

DATE : 23rd September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition challenges the order dated 8.1.2004 passed in Misc. Civil Appeal No.371/2003 by which the ad-interim order passed by the trial Court was challenged. The trial Court, by order dated 28.5.2003 passed below Exhibit-5 in Regular Civil Suit No.662 of 2003, had directed the parties to maintain status-quo till T.I.L.R submits his report about the measurement of all the properties. That order was challenged in Misc. Appeal in which the Appellate Court set aside the order of status-quo and directed the parties to expedite the commission work and on receipt of the measurement

report, the trial Court was directed to decide the application-Exhibit-5.

3. In this petition, on 12.2.2004 the following order was passed :

> "The TILR is directed to complete the work of measurement in pursuance of the order of the Civil Judge, Junior Division, Pune dated 28th May, 2003 passed below Exhibits 41 and 43 in Regular Civil Suit No.662 of 2003, within a period of one week from the date on which an authenticated copy of this order is produced before him.
>
> . Place for further orders on 23rd February,2004. In the meantime, until the Court takes this matter up on 23rd February,2004, the status-quo shall be maintained and no further work of construction shall be carried out in respect of the police chowky in question."

4. I am informed that the TILR has completed the work of measurement. Keeping that in view, in my opinion, the appropriate course would be to direct the trial Court to hear and decide Exhibit-5 application within timeframe and till then to continue the interim order

passed by this Court on 12.2.2004. Hence the following order.

(i) The Jt.Civil Judge, Jr Dn., Pune, is directed to decide Exhibit-5-application as expeditiously as possible and preferably within a period of 12 weeks from the date of receipt of this order.

(ii) The interim order passed by this Court on 12.2.2004 shall remain operative pending disposal of Exhibit-5 application.

(iii) The trial Court shall deal with application-Exhibit-5 on merits in accordance with law and uninfluenced by the interim order passed in this writ petition.

(iv) The impugned order dated 8.1.2004 renders ineffective.

. The petition is disposed of.

(D.B.BHOSALE, J.)